UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

UNITED STATES OF AMERICA, ex rel. ALEX DOE, RELATOR, et al.

Plaintiffs,

v.

PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., $et \ al$.

Defendants.

Civil Action No. 2-21-CV-022-Z

PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE DOCUMENTS OUT OF TIME

Plaintiffs The State of Texas and Alex Doe respectfully ask the Court to grant leave to file out of time their jointly filed (1) [Dkt. 390] Appendix in Support of [Dkt. 388] Texas's Motion for Summary Judgment and [Dkt. 389] Relator's Motion for Partial Summary Judgment ("Motions") and (2) [Dkt. 391] Sealed Brief in Support of [Dkt. 388] Texas's Motion for Summary Judgment and [Dkt. 389] Relator's Motion for Partial Summary Judgment.

Counsel for the State of Texas and Relator worked diligently to ensure that they could timely file their motions, supporting brief, and appendix by the January 6, 2023 deadline. Counsel for the State of Texas and Relator worked to consolidate their briefing and relevant documents for a combined brief and appendix. On January 6, counsel encountered technical problems related to combining and paginating the combined appendix and compressing file sizes of various documents in order to

comply with the 35MB file limit for Pacer filings in the Northern District of Texas. Counsel worked with IT professionals well after normal working hours to resolve the technical issues but was unable to complete the appendix and corresponding citations in the brief by the deadline on January 6. Plaintiffs' counsel filed their Motions for Summary Judgment prior to the January 6 deadline but did not file the combined Appendix until 12:12 a.m. on January 7, and the combined brief until 12:17 a.m. on January 7.

Shortly after missing the deadline, counsel for Relator filed a letter on behalf of the Plaintiffs apologizing for the error. [Dkt. 392]. Plaintiffs now file this Unopposed Motion to provide further information about Plaintiffs' filing and to formally request that the Court grant leave to permit their untimely filing of the sealed Appendix and Brief in Support.

Respectfully submitted.

/s/ Andrew B. Stephens
Heather Gebelin Hacker
Texas Bar No. 24103325
Andrew B. Stephens
Texas Bar No. 24079396
HACKER STEPHENS LLP
108 Wild Basin Road South, Suite 250
Austin, Texas 78746
(512) 399-3022
heather@hackerstephens.com
andrew@hackerstephens.com

Attorneys for Relator

KEN PAXTON

Attorney General of Texas

BRENT WEBSTER

First Assistant Attorney General

GRANT DORFMAN

Deputy First Assistant Attorney General

SHAWN E. COWLES

Deputy Attorney General for Civil Litigation

/s/ Christopher D. Hilton

CHRISTOPHER D. HILTON

Chief, General Litigation Division Texas Bar No. 24087727

AMY SNOW HILTON

Assistant Attorney General General Litigation Division Texas Bar No. 24097834

REYNOLDS BRISSENDEN

Director of Litigation Senior Litigation Counsel Civil Medicaid Fraud Division Texas Bar No. 24056969 Office of the Attorney General P.O. Box 12548, Capitol Station Austin, Texas 78711-2548 (512) 463-2120 / Fax (512) 320-0667 Christopher.Hilton@oag.texas.gov Amy.Hilton@oag.texas.gov Reynolds.Brissenden@oag.texas.gov

Counsel for State of Texas

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(b), on January 10, 2023, I conferred with counsel for Defendants regarding the relief sought in this motion. Defendants are unopposed to this motion.

/s/ Christopher D. Hilton
CHRISTOPHER D. HILTON

CERTIFICATE OF SERVICE

I hereby certify that on January 10, 2023, this document was electronically filed and served via the Court's CM/ECF system.

/s/ Amy S. Hilton
AMY S. HILTON